

WAYS & MEANS COMMITTEE

Of the

Suffolk County Legislature

Minutes

A regular meeting of the Ways & Means Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York, on **June 2, 2005**.

Members Present:

Legislator Peter O'Leary • Chairman

Legislator John Kennedy • Vice•Chair

Legislator Daniel Losquadro

Legislator Ricardo Montano

Members Not Present:

Legislator Elie Mystal • Excused

Also In Attendance:

Mea Knapp • Counsel to the Legislature

Bill Faulk • Aide to Presiding Officer Caracappa

Maria Ammirati • Aide to Legislator O'Leary

Alexandra Sullivan • Chief Deputy Clerk/SC Legislature

Jim Spero • Director/Budget Review Office

Ben Zwirn • Assistant County Executive

Jeff Tempera • Director/Labor Relations

Kristine Chayes • Suffolk County Department of Civil Service

Richard LaValle • Chief Deputy Commissioner/Dept of Public Works

Pat Zielenski • Director/Division of Real Estate

Elizabeth Harrington • Deputy Commissioner/Dept of Health Services

John McElhone • Chief of Support Services/Suffolk County Police Dept

Mason Haas • Suffolk County Land Title Examiner

John Ferrante • Suffolk County Land Title Examiner

All Other Interested Parties

Minutes Taken By:

(*The meeting was called to order at 9:50 A.M. *)

CHAIRMAN O'LEARY:

Good morning, everyone. Please rise for a Salute to the Flag led by Legislator Losquadro.

SALUTATION

Good morning. We have two cards for the public portion. Before we go to public portion, for the record, Legislator Mystal has an excusal, he's sick.

All right, the first card I have is a John Ferrante. Mr. Ferrante?

MR. FERRANTE:

I'm actually going to yield myself. I didn't realize one of my associates was going to be here, he's got a card in, I'll just let him speak rather than take up all your time.

CHAIRMAN O'LEARY:

Is that Mr. Haas?

MR. FERRANTE:

Yes.

CHAIRMAN O'LEARY:

Mason Haas.

MR. HAAS:

Good morning. My name is Masson Haas.

CHAIRMAN O'LEARY:

Good morning.

MR. HAAS:

I'm a resident of Jamesport. I am also a representative of the Suffolk County Land Title Examiners and I'm here today to talk to you about Resolution 1004•05.

The Department of Public Works took over the security of the Suffolk County Clerk's Office approximately a year ago. Prior to that, the Clerk's Office had two people on staff that were identified as security. Their jobs consisted of issuing ID badges, checking for ID badges and being visible; those that did not have ID badges and were in the building between the hours of 7 and 9 AM and between 5 PM and 7 PM were asked to leave by these security guards. They were stationed in the record room and a special room that was equipped with a computer, desk and phone; this room was located in the back of the •• by the back door.

The ID badges were issued to County staff and representatives of Suffolk County Examiners who license space from the County. These badges are used by the title industry for ID purposes for retrieving files from court actions, New York State Surrogate's Court, Department of Real Property and other departments within the building. They also are used to allow access to certain areas of the building that the public is not allowed to, one being allowing the access to court actions by passing through micrographics department. Currently, the Clerk is installing another door at micrographics and what appears to be a security checkpoint within the doors of his office. Both of these areas are access points to court actions from within the Clerk's building.

We, the representatives of the title industry, are constantly given legal documents by the title industry and lawyers to file. We're entrusted with these documents and if we have to walk outside the building during inclement weather, these documents will be damaged. The County staff badges are still being issued, however as of January 1st, 2004, the title industry licensees have not been issued badges and current badges have expired. Currently the patrolling of the building after hours is being done by a custodian.

The Clerk's Office, when asked about issuing badges, states he no longer is allowed to and is not in charge of this or security. The security personnel under the Clerk's Office are no longer visible. When there is an issue regarding someone being disruptive, the security that has responded has been those under DPW.

The Suffolk County Land Title Examiners, along with the New York State Land Title Association, have had several meetings with the Suffolk County representatives from the County Exec's Office, County Attorney's Office, DPD •• DPW and the Clerk's Office regarding several issues including access; that access being •• continuing from 7 AM to 7 PM, access which is vital to the smooth operation of the real estate market that continues to produce an increasing revenue for this County. Today's headlines in the papers, "Housing prices soaring 12.5%, pushed by low

interest rates and income growth, show that there's no slow down showing at this time." The downfalls to lack of access would be a delay in closings, cancelled closings which would increase closing costs, loss of mortgage commitments to the public, fines due to late recordings of deed transfers; all these would be paid by the homeowner. As it is now, it is very time consuming to get an instrument recorded in Suffolk County. It only makes sense to transfer the security personnel under the Clerk's Office, the same personnel who are no longer providing the service that was once performed. If DPW is in charge of security, then put all security personnel where they belong, under one department where one supervisor is in charge.

CHAIRMAN O'LEARY:

Okay. Could you wait a second? I have a question from Mr. Kennedy.

MR. HAAS:

Okay.

LEG. KENNEDY:

Hello, Mason. How are you?

MR. HAAS:

Hey, John.

LEG. KENNEDY:

So just so that I understand, the on-site examiners, then, you're representing at this point that they are in favor of or in support of 1004?

MR. HAAS:

Yes, we are in favor of that.

LEG. KENNEDY:

And the rational or the reason is because you're saying at this point that the Clerk's security folks are no longer doing the security function that they've been doing ••

MR. HAAS:

That's correct.

LEG. KENNEDY:

•• for the last five, six years?

MR. HAAS:

They're not visible anymore, you don't see them, they're not issuing badges, they're not checking badges, none of that is being done anymore. Right now the only checking being done is when you come in to the front door.

LEG. KENNEDY:

Well, I know that there are some issues, I guess, with DPW that we need to go ahead and understand, particularly when it comes to the issuance of badges. But I think that really we're talking about two separate functions, the actual patrolling or you know ••

MR. HAAS:

Well, in our conversations with the various offices, DPW being one of those, one of things that's been talked about is other access points within the building for the public. Right now, you know going to Surrogates Court, if a family comes in to Surrogate's Court and they're in there for the day when they have the hearings and they want to take •• the courts recess for coffee or something like that, a lot of these people are waiting, they can't get through the door to come to the cafeteria which is located in the Clerk's building; they have to walk outside the building and all the way around to get to that and then come back. DPW, one of their plans are if they can get the staffing, which they would if they had these other people, is that they would then make another access point over there for checking in people.

LEG. KENNEDY:

I think what I'm trying to suggest to you is there's additional conversations we need to have with DPW so we've got a level of understanding. I just wanted to make sure that I understood from you the position, I guess, that the examiners were advocating.

The other thing that you mentioned, too, is the access, the external access through court actions. And you mentioned an additional security point that's being put up?

MR. HAAS:

It appears to be, yeah. There's a doorway going up right now at the end of the micrographics counter ••

LEG. KENNEDY:

Yeah.

MR. HAAS:

•• which we're already under the understanding that's going to be a locked doorway access.

LEG. KENNEDY:

Yes.

MR. HAAS:

And then through the Clerk's front office, you walk through the front door, there's another partition being built right there with another doorway and it looks like it's going to be another checkpoint. Now, the Clerk has been complaining that, you know, people are walking through, they don't know who they are. Well, we have badge •• the County Attorney's Office being in on the conversations, you know, badges are going to be issued, but at this point there's a lack of personnel. I don't know if that's it, but common sense, it makes sense to take the two that are there, John and Frank, and put them under DPW.

LEG. KENNEDY:

Well, as far as the actual assignment of personnel, I guess I'm not necessarily going to go ahead and say one way or another, you know and I know that, I mean, there are other functions that they do. But you raise a couple of issues and I think what I'm going to suggest is I'd like to find out personally, from DPW and from the Clerk's Office, where some of those other functions are going to go, particularly if there's internal construction being done vis•a•vis what's going on with the whole building renovation, it's going to make some difference. But I appreciate you •• I just wanted to make sure I understood. You're saying that from the examiner's perspective, you're in support of ••

MR. HAAS:

Not just from the examiner's perspective, from the title industry.

LEG. KENNEDY:

But it doesn't •• well, all right.

MR. HAAS:

The Land Title Association has been well aware of this and they are in favor of this also.

LEG. KENNEDY:

I understand. Fine.

MR. HAAS:

But when you say other functions, and I'm, you know, speaking from a business perspective, an owner of a business, manages 15 people, John, we really don't see other functions being done by these other personnel. They might go to the bank with them, but that used to be done by the Sheriff's Department when there was a deposit to be done; in the past, it was always done by a Sheriff coming over and taking the ride over with the money. I mean, the original purpose of getting these security guards was for in the record room and we're not seeing them there.

LEG. KENNEDY:

Okay. I don't want to take up any more time, we have a heavy agenda today.

CHAIRMAN O'LEARY:

All right. I ••

LEG. KENNEDY:

But I will make a contact directly with the Clerk's Office and we'll also talk to DPW as well. Thank you.

CHAIRMAN O'LEARY:

Thank you, Legislator Kennedy, I'd appreciate you doing that. But I just have one question; is it your opinion that security has diminished as a result of this move?

MR. HAAS:

As far as DPW taking it over?

CHAIRMAN O'LEARY:

Yes.

MR. HAAS:

No. No, it's just that there's been a lack of direction, I believe, given to the others, the other two personnel.

CHAIRMAN O'LEARY:

All right, your concern, then, is that DPW deploy these two individuals to exactly the same days that they're performing now under the Clerk's Office; is that what your concern is?

MR. HAAS:

That, plus it will give them the extra personnel that they need instead of hiring more people, they could get the extra personnel they need to make the other access points within the building. That building has a large footprint, and again, you have New York State Surrogate's Court, a lot

of elderly people coming in there, to send them out and around the building ••

CHAIRMAN O'LEARY:

I understand that. I think the Clerk has expressed that concern as well and I think there's some discussions ongoing between the Clerk and DPW about the deployment of those two individuals; is there, Mr. LaValle?

CHIEF DEPUTY COMMISSIONER LAVALLE:

Not recently.

CHAIRMAN O'LEARY:

Okay. Not recently? Okay. All right, thank you very much, sir.

I have another card; Chief John McElhone, the Chief of Support Services from the Suffolk County Police Department. Good morning, Chief.

CHIEF McELHONE:

Good morning, Mr. Chairman. I'm here on behalf of the Police Department and Commissioner Dormer on two Introductory Resolutions.

The first one is No. 1349, to instruct the Department of Real Estate to look for a place for a field office in Huntington village. It's the department's opinion that this is not a necessary building for us. The resolution speaks of an increase in criminal incidents in the Huntington Village area; I can assure you there hasn't been an increase of crime in that area, it's one of the safest communities in Suffolk County. We're concerned about their offset of the budget, the maintenance of such a building, staffing it or the public perception that if there is a building that says Suffolk County Police Department that there will be an officer in there and that is not the intention of the Police Department at this point to staff any type of a field office in Huntington Village.

The other bill is Introductory Resolution 1556, approving the appointment of Gerry McCarthy, Gerard X. McCarthy, to Deputy Inspector in the Suffolk County Police Department. This is required because Captain McCarthy has a brother-in-law who is a Sergeant in the Police Department, and I believe this is a flaw in the Nepotism Law. The way it is currently written, if you have a relative who's in any rank, you have to get the approval of the Legislature to promote someone. Captain McCarthy clearly outranks his brother-in-law by several ranks and it's a situation that perhaps could be addressed by this law.

CHAIRMAN O'LEARY:

Yeah, this is something that I've been looking at, looking to amend the current Nepotism Law with respect to that particular situation, not only within the PD but clarifying on a County-wide basis as well. I mean, it's ludicrous to think that a •• not that a Sergeant is not influential with his subordinates, but certainly I don't think he has any say in policy making or transfers and promotions of a Deputy Inspector and above.

Having somewhat •• some experience with respect to the PD operations, I think there should be some consideration given that if there's a relative who has a rank of Deputy Inspector and above, it perhaps should be considered under nepotism, but certainly not a situation where

there's a relative by definition that is several ranks lower than the individual being considered for promotion. I think it's a flaw in the law that we have to address and I'll be looking to amend that or ••

CHIEF McELHONE:

We run into that on other occasions, so it is something that really if it would be addressed it would be a lot easier.

CHAIRMAN O'LEARY:

I know. I mean, one that comes to mind is a situation where an individual who was being considered for rank from DI and above up to Chief and he had a brother•in•law who was a Detective Sergeant and he constantly had to go through the nepotism, and I don't understand the reasoning or the justification behind that. But that's something we're going to be looking at. Is it your concern that we're not going to be approving 1556 today?

CHIEF McELHONE:

No, it was ••

CHAIRMAN O'LEARY:

Oh, okay.

CHIEF McELHONE:

I was asked to appear and state the Police Department's position, that he's a well qualified, very proposal individual.

CHAIRMAN O'LEARY:

Okay, very good. Thank you very much, Chief.

Is there anyone else who wishes to speak before the committee before we go to the agenda? Okay. Hearing none, we have a public hearing that's been recessed, **1418**. All the affidavits of publication are in order, it's a recessed status. Is there anyone here to speak on **1418•05, a Local Law to expand the Local Preference Law to promote regional businesses (Binder)?** Mr. Zwirn.

MR. ZWIRN:

Good morning, Mr. Chair, Members of the committee. Just briefly, I've had conversations with the sponsor on this bill and with DPW and my understanding was that at some point Legislator Binder was going to withdraw this resolution, so.

CHAIRMAN O'LEARY:

At some point?

MR. ZWIRN:

Well, I think he •• he said to me that he would do it ••

CHAIRMAN O'LEARY:

All right.

MR. ZWIRN:

•• if he hasn't done it yet. But that's just some information I'd pass on to the committee.

CHAIRMAN O'LEARY:

Well, then I guess there would be no objection to closing this public hearing if there's some consideration along those •• I'll make a motion to close 1418 Public Hearing.

LEG. MONTANO:

Second.

CHAIRMAN O'LEARY:

Seconded by Legislator Montano. On the question of that motion? Hearing none, all those in favor? Opposed? Abstentions? ***1418 is closed (VOTE: 4•0•0•1 Not Present: Legislator Mystal).***

Okay, now we go to the tabled resolutions on the agenda.

Tabled Resolutions

2085•05 • Adopting Local Law No. 2004, A Charter Law to transfer print shop from County Department of Human Resources, Civil Service and Personnel to County Department of Public Works (County Executive). As I indicated to an interested party this morning, this is an ongoing matter with respect to negotiations that are occurring between the administration and the Legislature. I'll continue a tabling motion. I'll make a motion to continue tabling, second by Legislator Losquadro. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? ***2085 is tabled (VOTE: 4•0•0•1 Not Present: Legislator Mystal).***

1004•05 • Amending the 2005 Operating Budget to centralize building security within the Suffolk County Department of Public Works in conformity with the new Title Examiner Policy at the County Clerk's Office (County Executive).

LEG. KENNEDY:

Mr. Chair, I'm going to make a motion to table this based on some of the comments we just heard earlier today and I'd like an opportunity to go ahead and reach out to both the Clerk's Office and to DPW.

CHAIRMAN O'LEARY:

There's a motion to table by Legislator Kennedy, second by myself.

On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? **1004 is tabled (VOTE: 4•0•0•1 Not Present: Legislator Mystal).**

1040•05 • Adopting Local Law No. 2005, A Charter Law amending the Suffolk County Charter to require the adoption of a reapportionment plan in a timely manner (Montano). Legislator Montano.

LEG. MONTANO:

Yes, I'll make a motion to approve. And as you now, as we discussed earlier, the resolution in previous form has been amended and the amended copy is here.

Essentially, what the amendment provides is that one of the prior versions had the establishment of a committee on reapportionment, that part has been eliminated, as well as the part that would extend the deliberations of the committee for 120 days. The existing law as it is now, and I'll ask Counsel to correct me if I misstate, is that within six months of a Census being certified, the County Legislature must reapportion. As we know, the last reapportionment resulted in litigation to the County. This bill simply provides that once the six months passes, if the Legislature is unable to reapportion by whatever manner we choose to do so, at that point the County Attorney is required to make an application to a court of appropriate jurisdiction for the appointment of a special master to prepare a redistricting plan in accordance with the law. This would also allow for anyone else who chose to intercede if the Legislature didn't do its job within six months to do so; we would not be a defendant in that case, we would actually be initiating the court intervention.

CHAIRMAN O'LEARY:

So with respect to my concern about the committee that was in your proposal, that's been taken out in its entirety?

LEG. MONTANO:

That's been taken out in its entirety. We can still do a committee, but we can do it at the time that it's appropriate, it's not legislated in this particular bill.

CHAIRMAN O'LEARY:

Uh•huh. And the major difference, then, between this resolution and the existing provision is the time?

LEG. MONTANO:

No, it's simply •• the difference is that it simply provides for a remedy after the six month period. All it says is that the existing law right now is that we must reapportion within six months after the Census is certified. This says if we exceed the six months, as we did last year, then the County Attorney is required to go to the court, court of appropriate jurisdiction and say, "The Legislature has been unable to reapportion in conformity with its existing law, we'd like the court's intervention, we'd like the court to begin the process of the appointment of a master to do the reapportionment for the County. It does not prohibit the County from reapportioning up to any point prior to a court decree.

CHAIRMAN O'LEARY:

And what about the 120 days provision?

LEG. MONTANO:

The 120 days was an extended provision in a prior version which would allow •• would have given the County an additional 120 days to deliberate and also given the committee 120 days to deliberate its process. But since there's no committee, we're just going back to the existing law but requiring that once our time limit expires the County Attorney moves forward. And the reason for that is that two years ago the County was sued because it had allowed the six months to expire, nothing happened for almost two years until the plaintiffs, my daughter being one of them, initiated litigation. The County had to expend at least 55,000 in attorney fees defending, and plus I believe there's a claim by the plaintiffs for additional attorney fees. This would actually save the County money in the future if the Legislature were not able to reapportion.

CHAIRMAN O'LEARY:

Okay. I just want to say for the record that Legislator Montano has been very accommodating with respect to some of the concerns that were brought forth with respect to this particular proposal and he apparently has adhered to just about all of them. So I want to thank him for that.

LEG. MONTANO:

Thank you.

CHAIRMAN O'LEARY:

There's a motion to approve 1040 by Legislator Montano, seconded by myself. On the question of the motion to approve? Hearing none, all those in favor? Opposed? Abstentions? **1040 is approved**

(VOTE: 4•0•0•1 Not Present: Legislator Mystal).

1104•05 • Requiring annual reporting of contract agency finances (Caracciolo). Again, I've had some discussion with the sponsor of this resolution asking him to consider increasing the threshold from the 25,000 to a higher number, which is still being discussed. So I'll make a motion to continue tabling 1104, second by Legislator Losquadro. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? **1104 is tabled (VOTE: 4•0•0•1 Not Present: Legislator Mystal).**

1108•05 • Adopting Local Law No. 2005, A Local Law to extend and further strengthen the reporting for the Anti•Nepotism Statute (Caracciolo). Again, I brought this up, we're looking to amend in certain areas with respect to this and the sponsor has not seen fit to do as of yet. So we'll continue the tabling motion by myself, seconded by Legislator Losquadro. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstentions?

1108 is tabled (VOTE: 4•0•0•1 Not Present: Legislator Mystal).

1184•05 • Adopting Local Law No. 2005, A Charter Law creating Article XLII County Department of Environment & Energy (County Executive).

I make a motion to table, second by Legislator Losquadro. On the question of the motion?

LEG. MONTANO:

Yeah, just one question. Do we have any idea when this •• or what the progress is with respect to negotiations on this?

CHAIRMAN O'LEARY:

Yes, there has been progress.

LEG. MONTANO:

Okay. Do we have any idea when that progress will reach a point of fruition?

CHAIRMAN O'LEARY:

It is hopeful that in the very near future there will be some resolve to this ongoing ••

LEG. LOSQUADRO:

Saga.

CHAIRMAN O'LEARY:

Saga, situation.

LEG. MONTANO:

Thank you for clarifying that for me.

CHAIRMAN O'LEARY:

But it's ongoing discussions that have been occurring between various sources. So in answer to your question, Legislator Montano, there's progress that has been made and hopefully there's light at the end of the tunnel. On 1184, motion to table by myself, second by Legislator Losquadro. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? **1184 is tabled (VOTE: 4•0•0•1**

Not Present: Legislator Mystal).

1283•05 • Adopting Local Law No. 2005, A Local Law amending Article II of the Suffolk County Administrative Code to provide for a two year term of the Presiding Officer (Alden). Once again, the sponsor is considering a concern that has been raised to him about the second year, establishes procedures for a removal of the PO, that's being discussed by the sponsor and others. Legislator Losquadro makes a motion to table 1283, seconded by myself. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstain? **1283 is tabled (VOTE: 4•0•0•1 Not Present: Legislator Mystal).**

1349•05 • Directing the Director of Real Estate to locate property to reestablish Police Department Field Office in Huntington Village (Binder). Motion to approve by myself, seconded by Legislator Losquadro. On the question of the motion to approve?

LEG. MONTANO:

Is this 1349?

CHAIRMAN O'LEARY:

Yes.

MS. BIZZARRO:

Excuse me, Chairman O'Leary, I'd like to make a comment on this bill, please?

CHAIRMAN O'LEARY:

Sure.

MS. BIZZARRO:

Thank you. Just one comment I think ••

CHAIRMAN O'LEARY:

You want to identify yourself for the record, please?

MS. BIZZARRO:

Sure, Lynne Bizzarro from the County Attorney's Office.

CHAIRMAN O'LEARY:

Thank you.

MS. BIZZARRO:

I just would like to make one legal comment on this bill, that under Section A22•2B of the County Administrative Code, no action is to be taken on any County •• excuse me •• by the County in any capacity to locate or relocate a department unless the Space Management Steering Committee has submitted its recommendations to the County Executive and the Presiding Officer of the Legislature; to my knowledge, that has not been done. If it has, then my comments mean nothing, but if it has not been done, I recommend that the resolution be tabled until that happens.

CHAIRMAN O'LEARY:

That's a very good point and I'll entertain a motion to table.

LEG. MONTANO:

I'll make the motion to table.

CHAIRMAN O'LEARY:

Motion to table by Legislator Montano, seconded by myself. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? **1349 is tabled (VOTE: 4•0•0•1 Not Present: Legislator Mystal).**

1351•05 • Adopting Local Law No. 2005, A Charter Law establishing a reform policy to prevent the abuse of bulk mailings by any elected officials (County Executive). I make a motion to table, second by Legislator Losquadro. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? **1351 is tabled (VOTE: 4•0•0•1 Not Present: Legislator Mystal).**

1357•05 • To protect Suffolk County employees from identity theft (Alden). Yes, you wish to speak on this one, too?

MS. BIZZARRO:

Thank you, yes. My department has started to just take a quick review on this resolution, it's somewhat complicated. And all I ask is for your indulgence with respect to tabling it.

CHAIRMAN O'LEARY:

One cycle?

MS. BIZZARRO:

Yes.

CHAIRMAN O'LEARY:

There's a motion to table consideration for one cycle by myself, seconded by Legislator Losquadro. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions?

1357 is tabled (VOTE: 4•0•0•1 Not Present: Legislator Mystal).

MS. BIZZARRO:

Thank you.

CHAIRMAN O'LEARY:

I'm very accommodating this morning, so you should stay up there.

MS. BIZZARRO:

Thank you very much.

CHAIRMAN O'LEARY:

1418•05 • Adopting Local Law No. 2005, A Local Law to expand the Local Preference Law to promote regional businesses (Binder).

This public hearing was closed. I'll entertain a motion.

LEG. MONTANO:

I'll move to table.

CHAIRMAN O'LEARY:

Motion to table by Legislator Montano, second by Legislator Losquadro. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? ***1418 is tabled (VOTE: 4•0•0•1 Not Present: Legislator Mystal).***

Introductory Resolutions

There are some technical corrections, the first couple of ones.

1447•05 • Authorizing certain technical corrections to Adopted Resolution No. 172 •2005 (County Executive), it's changing a project number. Motion by myself to approve, second by Legislator Losquadro. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? And to place on the consent calendar as well. ***Approved and placed on the consent calendar (VOTE: 4•0•0•1 Not Present: Legislator Mystal).***

1448•05 • Authorizing certain technical corrections to Adopted Resolution No. 121 •2005 (County Executive). Same motion, same second to place on the consent calendar. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? ***1448 is approved and placed on the consent calendar (VOTE: 4•0•0•1 Not Present: Legislator Mystal).***

1449•05 • Directing the County Attorney to bring a lawsuit against the Long Island Convention and Visitors Bureau, Inc. (LICVB) to recover County funds (Caracciolo). I have had some discussions •• are we going to be going into Executive Session with respect to this?

MS. BURKHARDT:

Yes.

CHAIRMAN O'LEARY:

We are? All right, so ***I'll skip over 1449 for now.***

1455•05 • Authorizing certain technical corrections to Adopted Resolution No. 190 •2005 (County Executive). Motion by Legislator Losquadro, seconded by myself to place on the consent calendar.

On the motion, all those in favor? Opposed? Abstentions?

1455 is approved and placed on the consent calendar

(VOTE: 4•0•0•1 Not Present: Legislator Mystal).

1456•05 • Authorizing certain technical corrections to Adopted Resolution No. 1053 •2004 (County Executive). Same motion, same second to place on the consent calendar. On

the question of the motion? Hearing none, all those in favor? Opposed? Abstentions?

1456 is approved and placed on the consent calendar

(VOTE: 4•0•0•1 Not Present: Legislator Mystal).

1457•05 • Authorizing certain technical corrections to Adopted Resolution No. 1054 •2004 (County Executive). Same motion, same second to place on the consent calendar. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions?

1457 is approved and placed on the consent calendar

(VOTE: 4•0•0•1 Not Present: Legislator Mystal).

1458•05 • Authorizing certain technical corrections to Adopted Resolution No. 1211 •2004 (County Executive). Same motion, same second to place on the consent calendar. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions.

1458 is approved and placed on the consent calendar

(VOTE: 4•0•0•1 Not Present: Legislator Mystal).

1462•05 • Approving the appointment of County employee (Morgan L. Haley) in the Suffolk County Department of Taxation & Finance (Presiding Officer Caracappa). This is under the Nepotism Law. I have a question of Counsel with respect to the Nepotism Law. It was my understanding that besides the Police Department personnel, that the matters that came before us with respect to nepotism were relations by definition of judicial appointments and Commissioners and department heads; is that not correct?

MS. KNAPP:

That is the way the law reads. The only possible basis, it may be that Marty Haley may have asked for this based upon previous precedent to this Legislature which I quite frankly believed was incorrect •• it was incorrect at the time that it was done, where the parent of a Deputy Elections Commissioner came before the Legislature on a nepotism resolution. So it was legally incorrect, it may be that Mr. Haley may have thought that on that basis he wanted this resolution. But if you're asking me do I think that a Deputy Commissioner needs to do this? No.

CHAIRMAN O'LEARY:

Okay. Well, we'll move it anyway for the benefit of the individual who's to seek the employ I guess for the temporary summer. 1462, motion to approve myself, seconded by Legislator Losquadro. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? **1462 is approved (VOTE: 4•0•0•1 Not Present: Legislator Mystal).** Is this something that we can put on the consent calender?

MS. KNAPP:

No.

CHAIRMAN O'LEARY:

No? Okay.

1463•05 • Creating a Yaphank County Center Development Review Committee (O'Leary). This is the second time this body has this matter under review, sponsored by

myself. The changes that have been made, all parties are in agreement, I would hope, to move forward with this task force being established concerning the development of the Suffolk County properties in the Yaphank area. So I'll make a motion to approve by myself, seconded by Legislator Kennedy. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? **1463 is approved (VOTE: 4•0•0•1 Not Present: Legislator Mystal).**

1469•05 • Approving payment to General Code Publishers for Administrative Code Pages (Presiding Officer Caracappa), in the mount of \$11,382.25. Motion to approve by myself, seconded by Legislator Losquadro. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? **1469 is approved (VOTE: 4•0•0•1**

Not Present: Legislator Mystal).

LEG. KENNEDY:

Mr. Chairman, 1472 has been withdrawn at my request.

CHAIRMAN O'LEARY:

1472 has been withdrawn. Thank you, Mr. Kennedy.

LEG. KENNEDY:

Thank you.

CHAIRMAN O'LEARY:

Real Estate?

DIRECTOR ZIELENSKI:

Good morning.

CHAIRMAN O'LEARY:

Good morning. We have before us ***1478•05 • Authorizing the sale of County•owned real estate, pursuant to Section 215, New York State County Law to Sharon Fioto.*** Can you explain this to us, please?

DIRECTOR ZIELENSKI:

This is a 215 sponsored by Legislator Kennedy.

LEG. KENNEDY:

Next one.

DIRECTOR ZIELENSKI:

No? Next one.

CHAIRMAN O'LEARY:

No, 72 has been withdrawn, 78 is before us, 1478.

DIRECTOR ZIELENSKI:

Sorry. It's a 215 sponsored by Legislator Schneiderman.

CHAIRMAN O'LEARY:

Legislator Schneiderman? Oh, okay. And the amount of the 215 action is \$36,737.94?

DIRECTOR ZIELENSKI:

Yes.

CHAIRMAN O'LEARY:

I'm going to be very gracious and make a motion to approve.

LEG. MONTANO:

Second.

CHAIRMAN O'LEARY:

Second by Legislator Montano. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? ***1478 is approved (VOTE: 4•0•0•1 Not Present: Legislator Mystal).***

1499•05 • Authorizing the disbursement of funds from the Suffolk County Living Wage Contingency Fund to Community Programs Center of Long Island, Inc., a child care provider under contract with the Department of Social Services (County Executive). Is there any representative from the Community Program Center here? Is there any representative from DSS here?

DEPUTY COMMISSIONER HERNANDEZ:

Yes.

CHAIRMAN O'LEARY:

My understanding, sir, before you come up, is that this particular corporation has trouble, an inability to comply with the Living Wage Law?

DEPUTY COMMISSIONER HERNANDEZ:

That is correct. The proposed amendment, resolution covers 87 employees.

CHAIRMAN O'LEARY:

Uh•huh. And DSS wants to continual the contractual relationship with this particular ••

DEPUTY COMMISSIONER HERNANDEZ:

Yes, they do.

CHAIRMAN O'LEARY:

•• Community Program center?

DEPUTY COMMISSIONER HERNANDEZ:

Yes.

CHAIRMAN O'LEARY:

Which provides child care?

DEPUTY COMMISSIONER HERNANDEZ:

Yes. Yes, it does and we'd like to continue the relationship. For the record, my name is Edward Hernandez, Deputy Commissioner.

CHAIRMAN O'LEARY:

Thank you for that, Mr. Hernandez. Explain to me why we should approve this.

DEPUTY COMMISSIONER HERNANDEZ:

The •• put me on the spot. The Living Wage Law was put into effect several years ago to up the salaries of various employees that were earning what was felt below a certain level of wages. Day care providers have particular difficulty because of the nature of the business. Meeting those thresholds, Community Program Center of Long Island happens to be a larger day care provider, it has three centers and felt that they needed this money to continue their ongoing operations. These requests were reviewed by the Department of Labor, in conjunction with the Department of Social Services, and we felt that the request was justified.

CHAIRMAN O'LEARY:

Now, these are independent day care providers, are they not?

DEPUTY COMMISSIONER HERNANDEZ:

Yes, they are.

CHAIRMAN O'LEARY:

And we currently don't subsidize them, or we do?

DEPUTY COMMISSIONER HERNANDEZ:

They receive a rate that is set by New York State, they apply for a rate and that rate is determined by the State; we don't set the rates, we have a maximum rate which we can apply and they have to work within those rates. And I'm not familiar in this case how the rate reflects, but in my •• my best guess would be that the rate is not enough to pay the workers straight out the living wage that is due and the supplement is needed, therefore.

CHAIRMAN O'LEARY:

Yeah, the supplement •• my notes indicate the supplement under hardship assistance is \$278,768; is that accurate?

DEPUTY COMMISSIONER HERNANDEZ:

Yes, it is.

CHAIRMAN O'LEARY:

Jim, BRO, can you explain to us where this money would come from?

MR. SPERO:

The Legislature set aside funding in a contingent account just for this purpose to meet the requirements of the Living Wage Law.

CHAIRMAN O'LEARY:

Okay.

MR. SPERO:

So the funding is available to be transferred.

CHAIRMAN O'LEARY:

Legislator Losquadro?

LEG. LOSQUADRO:

Jim, how much is in that account currently, do you know? Obviously more than enough to cover this, but ••

MR. SPERO:

I think it was 1.5 million.

LEG. LOSQUADRO:

Okay, thank you.

CHAIRMAN O'LEARY:

Is this the first time that we're going into the contingency account for purposes that's under consideration right now?

MR. SPERO:

Maybe the first time this year, but it's been done before.

CHAIRMAN O'LEARY:

Oh, it has.

MR. SPERO:

Yes.

CHAIRMAN O'LEARY:

Okay, I just wanted to make sure that we're not setting a precedent here without looking into it further.

MR. SPERO:

No, this is not precedence.

CHAIRMAN O'LEARY:

Okay.

MR. SPERO:

And it's for the purpose was set aside.

CHAIRMAN O'LEARY:

All right. Thank you, Mr. Hernandez.

LEG. MONTANO:

I'll move to approve.

CHAIRMAN O'LEARY:

Legislator Montano makes a motion to approve, seconded by Legislator Losquadro. On the question of the motion to approve 1499? Hearing none, all those in favor? Opposed? Abstentions? ***1499 is approved***

(VOTE: 4•0•0•1 Not Present: Legislator Mystal).

1504•05 • Amending the hourly rate for temporary positions in the Suffolk County Classification and Salary Plan (County Executive).

This is in compliance with New York State Law and the increase is graduated from '05 through '06 and '07, capping in '07 at 7.15 an hour. So this is just in compliance with existing New York State Law.

LEG. KENNEDY:

Mr. Chairman?

CHAIRMAN O'LEARY:

Yes, Mr. Kennedy.

LEG. KENNEDY:

Just a quick question for Jim Spero. Jim, does this have any kind of fiscal impact for us by doing compliance, State Labor Law compliance with I guess what previously had been out of whack salaries?

MR. SPERO:

Well, you know, the resolution is increasing hourly rate, so obviously there will be a fiscal impact

associated with it. I don't have the fiscal impact statement with me.

LEG. KENNEDY:

Well, and it's retroactive I believe as well, right, it's relating back to January 1st?

MR. SPERO:

That's correct.

LEG. KENNEDY:

But we don't •• okay. Well, maybe we can figure out, I'm just curious as to what the economic impact of it was going to be.

CHAIRMAN O'LEARY:

Well, just for the record. According to my notes, the increases in retro to 1/1/05 went from 5.15 to \$6 an hour; 1/1/06 from \$6 an hour to 6.75 an hour; and 1/1/07 from 6.75 an hour to 7.15 an hour.

Any other questions of the committee? I'll make a motion to approve, second by Legislator Losquadro. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions?

1504 is approved (VOTE: 4•0•0•1 Not Present: Legislator Mystal).

Back to Real Estate. ***1514•05 • Sale of County•owned real estate pursuant to Local Law 13•1976, Sylvester Murray and Alberta Murray, his wife (0200•527.00•06.00 •035.000)(County Executive).***

DIRECTOR ZIELENSKI:

This is a direct sale to an adjacent owner. The appraisal was 2,600 and the winning bid was 2,600.

CHAIRMAN O'LEARY:

I'll make a motion to approve, second by Legislator Losquadro. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? ***1515 is approved and placed on the consent calendar***

(VOTE: 4•0•0•1 Not Present: Legislator Mystal).

1515•05 • Sale of County•owned real estate pursuant to Local Law 13•1976, Jojamami Properties, Inc., (0200•207.00•02.00•048.000)
(County Executive).

DIRECTOR ZIELENSKI:

This is also a direct sale with an appraisal of \$4,000 and a winning bid of \$4,000.

CHAIRMAN O'LEARY:

Same motion, same second to place on the consent calendar. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? ***1515 is approved and placed on the consent calendar***

(VOTE: 4•0•0•1 Not Present: Legislator Mystal).

1516•05 • Sale of County•owned real estate pursuant to Local Law 13•1976, Robert J. Andersen and Marlene M. Andersen, his wife (0205•007.00•05.00•026.001)(County Executive).

DIRECTOR ZIELENSKI:

A direct sale with an appraisal of 870 and a winning bid of \$870.

CHAIRMAN O'LEARY:

Same motion, same second to place on the consent calendar. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? ***1516 is approved and placed on the consent calendar.***

(VOTE: 4•0•0•1 Not Present: Legislator Mystal).

1518•05 • Sale of County•owned real estate pursuant to Local Law 13•1976, Philip and Lauren Acevedo, his wife (0200•980.50•02.00•019.000) (County Executive).

DIRECTOR ZIELENSKI:

A direct sale with an appraisal of \$12,000 and a winning bid of \$12,006.

CHAIRMAN O'LEARY:

Same motion, same second to place on the consent calendar. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? ***1518 is approved and placed on the consent calendar.***

(VOTE: 4•0•0•1 Not Present: Legislator Mystal).

1520•05 • Sale of County•owned real estate pursuant to Local Law 13•1976, Cheryl Kaufman (0500•129.00•01.00•042.000)(County Executive).

DIRECTOR ZIELENSKI:

A direct sale with an appraisal of \$6,000 and a winning bid of 6,100.

CHAIRMAN O'LEARY:

Ah, we made a hundred, very good.

DIRECTOR ZIELENSKI:

Just wait.

CHAIRMAN O'LEARY:

Same motion, same second vote to place on the consent calendar 1520. On the motion, all those in favor? Opposed? Abstentions?

1520 is approved and placed on the consent calendar

(VOTE: 4•0•0•1 Not Present: Legislator Mystal).

1522•05 • Sale of County•owned real estate pursuant to Local Law 13•1976, James Silver and Claire Silver, his wife (0200•883.00•02.00•011.000) (County Executive).

DIRECTOR ZIELENSKI:

This is a direct sale with an appraisal of \$6,000 and a winning bid of \$6000.05.

CHAIRMAN O'LEARY:

Well, 50 cents is 50 cents. Same motion, same second to place on the consent calendar 1522. On the question of 1522? Hearing none, all those in favor? Opposed? Abstentions? ***1522 is approved and placed on the consent calendar (VOTE: 4•0•0•1 Not Present: Legislator Mystal).***

1523•05 • Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Patricia A. Burzo and Leonard V. Leo as joint tenants with right of survivorship (0100•039.00•01.00•043.000)

(County Executive).

DIRECTOR ZIELENSKI:

This is an as•of•right redemption.

CHAIRMAN O'LEARY:

As•of•right redemption. Same motion, same second to place on the consent calender. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? ***1523 is approved and placed on the consent calendar (VOTE: 4•0•0•1 Not Present: Legislator Mystal).***

1524•05 • Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Patricia A. Burzo and Leonard V. Leo as joint tenants with right of survivorship (0100•039.00•03.00•088.000) (County Executive). I'm repeating myself. This must be ••

LEG. LOSQUADRO:

Different lot.

CHAIRMAN O'LEARY:

Different lots. As•of•right?

DIRECTOR ZIELENSKI:

Yes, as an as•of•right redemption.

CHAIRMAN O'LEARY:

Same motion, same second to place on the consent calendar. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? ***1524 is approved and placed on the consent calendar.***

(VOTE: 4•0•0•1 Not Present: Legislator Mystal).

1525•05 • Sale of County•owned real estate pursuant to Local Law 13•1976, Alan Pepenella (0100•165.01•01.00•081.000) (County Executive).

DIRECTOR ZIELENSKI:

As•of•right.

CHAIRMAN O'LEARY:

As•of•right. Same motion, same second to place on the consent calendar. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? ***1525 is approved and placed on the consent calendar (VOTE: 4•0•0•1 Not Present: Legislator Mystal).***

1526•05 • 1524•05 • Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Noemi Machuca

(0100•202.00•02.00•081.000) (County Executive). As•of•right?

DIRECTOR ZIELENSKI:

As•of•right.

CHAIRMAN O'LEARY:

Same motion, same second to place on the consent calendar. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? **1526 is approved and placed on the consent calendar (VOTE: 4•0•0•1 Not Present: Legislator Mystal).**

Boy, we do have a lengthy one today, another whole page.

DIRECTOR ZIELENSKI:

Yeah. These are all as ••

CHAIRMAN O'LEARY:

These are all as•of•right?

DIRECTOR ZIELENSKI:

This whole page is as•of•right redemptions. Tax deeds are in, new tax deeds are in.

CHAIRMAN O'LEARY:

Okay.

1527•05 • Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Angelo Cadolino and Diane Cadolino, his wife (0200•280.00•04.00•013.000) (County Executive). As of right.

Same motion, same second to place on the consent calendar. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? ***1527 is approved and placed on the consent calendar (VOTE: 4•0•0•1 Not Present: Legislator Mystal).***

1528•05 • Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Richard O. Finley (0200•337.00•01.00•044.0005)(County Executive).

That's not the owner, the former owner of the Oakland A's, is it?

Never mind. That's Charlie Finlay, you're right. I'm sorry. Same motion, same second to place on the consent calendar. On the question of the motion? All those in favor? Opposed? Abstentions? ***1528 is approved and placed on the consent calendar.***

1529•05 • Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Robert J. Krawchuk and Theresa M. Piccarelli, as joint tenants with right of survivorship (0200•836.00•06.00•037.000) (County Executive).

As•of•right. Same motion, same second to place on the consent calendar. On the question of the

motion? Hearing none, all those in favor? Opposed? Abstentions? **1529 is approved and placed on the consent calendar.**

1530•05 • Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Donald Hughes, Jr. (0200•867.00•06.00•023.001) (County Executive).

As•of•right. Same motion, same second to place on the consent calendar. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? **1530 is approved and placed on the consent calendar.**

1531•05 • Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Stanley Suchocki, surviving tenant by the entirety (0200•959.00•02.00•017.000) (County Executive). Same motion, same second to place on the consent calendar. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? **1531 is approved and placed on the consent calendar (VOTE: 4•0•0•1 Not Present: Legislator Mystal).**

1532•05 • Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Carl Ursum (0200•983.40•05.00•003.001) (County Executive). As•of•right.

Same motion, same second to place on the consent calendar. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? **1532 is approved and placed on the consent calendar.**

(VOTE: 4•0•0•1 Not Present: Legislator Mystal).

1533•05 • Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Park Lane Realty Corp. (0500•021.00•03.00•042.000) (County Executive).

This is as•of•right as well?

DIRECTOR ZIELENSKI:

Yes.

CHAIRMAN O'LEARY:

I take note of the fact that the next four or five are all Parkland Realty, those are various lots, I guess adjacent lots in a given area?

DIRECTOR ZIELENSKI:

Yes.

CHAIRMAN O'LEARY:

Okay. As•of•right, 1533, same motion, same second to place on the consent calendar. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? **1533 is approved and placed on the consent calendar (VOTE: 4•0•0•1 Not Present: Legislator Mystal).**

1534•05 • Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Park Lane Realty Corp. (0500 •021.00•03.00•043.000) (County Executive).

As•of•right. Same motion, same second to place on the consent calendar. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? **1534 is approved and**

placed on the consent calendar (VOTE: 4•0•0•1 Not Present: Legislator Mystal).

1535•05 • Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Park Lane Realty Corp. (0500•021.00•03.00•044.000) (County Executive).

Same motion, same second to place on the consent calendar. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? ***1535 is approved and placed on the consent calendar.***

(VOTE: 4•0•0•1 Not Present: Legislator Mystal).

1536•05 • Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Park Lane Realty Corp. (0500•021.00•03.00•045.000) (County Executive).

Same motion, same second to place on the consent calendar. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? ***1536 is approved and placed on the consent calendar.***

(VOTE: 4•0•0•1 Not Present: Legislator Mystal).

1537•05 • Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Park Lane Realty Corp. (0500•021.00•03.00•046.000) (County Executive).

Same motion, same second to place on the consent calendar. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? ***1537 is approved and placed on the consent calendar.***

(VOTE: 4•0•0•1 Not Present: Legislator Mystal).

1538•05 • Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Dorothy F. Taylor (0500•224.00•01.00•031.000) (County Executive). This is as•of•right as well, \$65,000? Sixty•five thousand, five hundred and fifty•four dollars is the •• I just have a note here, it's a big number; is that correct?

DIRECTOR ZIELENSKI:

I'm just making sure it is; \$65,554.53.

CHAIRMAN O'LEARY:

Okay. This is as•of•right, yes, Hutson Avenue in Brentwood.

LEG. MONTANO:

I'll make a motion to approve.

CHAIRMAN O'LEARY:

We're on a roll here with same motion, same second.

LEG. MONTANO:

Same motion •• I can't interrupt?

CHAIRMAN O'LEARY:

Because it's your district?

LEG. MONTANO:

Right.

CHAIRMAN O'LEARY:

Legislator Montano makes a motion to approve, seconded by myself.

On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions?

Motion to approve and place on the consent calendar is approved and placed on the consent calendar (VOTE: 4•0•0•1 Not Present: Legislator Mystal).

1539•05 • Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Dafox Property Management Inc. (0800•027.00•02.00•033.000) (County Executive). As•of•right?

DIRECTOR ZIELENSKI:

Yes.

CHAIRMAN O'LEARY:

Same motion, same second to place on the consent calendar. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? **1539 is approved and placed on the consent calendar.**

(VOTE: 4•0•0•1 Not Present: Legislator Mystal).

1540•05 • Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Edward J. Lorenze (0900•359.00•05.00•035.001) (County Executive).

Same motion. This is as•of•right?

DIRECTOR ZIELENSKI:

Yes.

CHAIRMAN O'LEARY:

Same motion, same second to place on the consent calendar. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? **1540 is approved and placed on the consent calendar.**

(VOTE: 4•0•0•1 Not Present: Legislator Mystal).

Is that it for real Estate transactions or resolutions? Ah, you might as well stay there just in case another one comes up.

Before us now is **1556•06 • Approving the appointment of Gerard X. McCarthy to Deputy Inspector in the Suffolk County Police Department (County Executive)**. As indicated before, Captain McCarthy is to be promoted Deputy Inspector and that is per our current Nepotism Law, he has a brother•in•law who is a Sergeant. Motion to approve by myself, seconded by Legislator Losquadro. On the question of the motion?

LEG. LINDSAY:

I bet you the X stands for Xavier.

CHAIRMAN O'LEARY:

Probably. Was that just an observation or a question?

LEG. LINDSAY:

Yeah, it was just an observation.

CHAIRMAN O'LEARY:

It probably does stand for Xavier, yes. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions?

1556 is approved (VOTE: 4•0•0•1 Not Present: Legislator Mystal).

1569•05 • Establishing County policy regarding use and occupancy of County•owned properties under litigation (Caracciolo).

LEG. LOSQUADRO:

Explanation.

CHAIRMAN O'LEARY:

I have a request by the sponsor to table, but there's been also a request of an explanation.

LEG. LOSQUADRO:

We can table, that's fine.

CHAIRMAN O'LEARY:

Do you want the explanation?

LEG. LOSQUADRO:

I'll speak to the sponsor.

CHAIRMAN O'LEARY:

Okay. There's a motion to table by myself, seconded by Legislator Losquadro. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? **1569 is tabled (VOTE: 4•0•0•1 Not Present: Legislator Mystal).**

1574•05 • Authorizing certain technical corrections to Resolution No. 1020•2004 (Lindsay). This has to do with the Sayville Pilot Club and _Able to Aviation_, moving some monies; is that correct, Legislator Lindsay?

LEG. LINDSAY:

I don't know.

CHAIRMAN O'LEARY:

Okay. Then you want it tabled?

LEG. LINDSAY:

No.

CHAIRMAN O'LEARY:

All right. There's a motion •• this is technical correction, very technical. There's a motion to approve by myself, seconded by Legislator Kennedy. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? **1574 is approved and placed on the**

consent calendar (VOTE: 4•0•0•1 Not Present: Legislator Mystal).

1578•05 • Authorizing the extension of a license agreement with the Hauppauge Youth Organization (Kennedy). Legislator Kennedy.

LEG. KENNEDY:

Motion. This is an extension of licensing agreement for athletics fields presently in use just south of the Dennison Building.

CHAIRMAN O'LEARY:

This is a five year extension, correct?

LEG. KENNEDY:

Yes, that's correct.

CHAIRMAN O'LEARY:

All right. There's a motion to approve by Legislator Kennedy, second by myself. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? ***1578 is approved (VOTE: 4•0•0•1 Not Present: Legislator Mystal).***

1582•05 • Authorizing certain technical corrections to Adopted Resolution No. 141 •2005 (Presiding Officer Caracappa). Motion by myself to approve, second by Legislator Losquadro. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? **1582 is approved (VOTE: 4•0•0•1 Not Present: Legislator Mystal).**

*****SEE CHANGE IN VOTE ON PAGE 38*****

1589•05 • Authorizing the County of Suffolk to issue a Certificate of Abandonment of the interest of the County of Suffolk in property designated as Town of East Hampton, Suffolk County Tax Map No. 0300•156.00•02.00•003.015 pursuant to Section 40•D of the Suffolk County Tax Act (County Executive).

DIRECTOR ZIELENSKI:

This is an inappropriate notice given on this Town of East Hampton property, request for abandonment of the tax deed.

CHAIRMAN O'LEARY:

Can you be a little bit more specific as to •• there was an inappropriate notice?

DIRECTOR ZIELENSKI:

Yeah.

CHAIRMAN O'LEARY:

Okay. So there was a lack of prior notice, is that what the inappropriation was?

DIRECTOR ZIELENSKI:

Yeah. The notice was not given to the prior fee owner, notice was sent to an old address and received by someone who did not give it to the proper owners. The parcel is in a reserved area within a development; it's the set•aside within a development.

CHAIRMAN O'LEARY:

Okay. Counsel, can you clarify perhaps for us?

MS. KNAPP:

It looks to me there's a lot of backup and it seemed •• it appears that this was a development in which the developer then got into an argument with the people to whom we sold the properties and there was a reserve area that the new homeowners obviously counted on as being forever left in its natural state. And the tax bills for that reserve area were •• they were sent to the original developer of the property and he never notified the Hill Top Homeowners Association or their lawyer and apparently they went along thinking that it was being taken care of when it wasn't. So it looks •• it's improper notice.

LEG. MONTANO:

I have a question. So who's paying the taxes now, the homeowner's association?

DIRECTOR ZIELENSKI:

That's correct.

LEG. MONTANO:

Okay.

CHAIRMAN O'LEARY:

Any other questions of the committee? Hearing none, I'll make a motion to approve, second by Legislator Montano. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? You have a question?

LEG. LOSQUADRO:

Can that go on the consent calendar or no?

CHAIRMAN O'LEARY:

Can this go on the consent calendar? Yes.

MS. KNAPP:

A Certificate of Abandonment?

CHAIRMAN O'LEARY:

Yeah. There's a motion to approve and place on the consent calendar, 1589. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? **1589 is approved and placed on the consent calendar (VOTE: 4•0•0•1 Not Present: Legislator Mystal).**

1604•05 • Approving the appointment of a relative of County employee at Suffolk County Department of Civil Service, Personnel & Human Resources (Lauren Tempera) (County Executive), who is the daughter of Jeff Tempera, the Director of Labor Relations. Again, this is an issue that I raised when Chief McElhone was up before us in the public portion. We have to look into whether or not it's feasible of having those individuals, employees who are not Commissioners or department heads, coming over for nepotism purposes. But however, not to provide a •• stonewall this particular employment for the summer, I'll make a motion to approve, second by Legislator Losquadro. On the question of the motion to approve 1604? Hearing none, all those in favor? Opposed? Abstentions? **1604 is approved (VOTE: 4•0•0•1 Not Present: Legislator Mystal).**

1608•05 • Appropriating funds in connection with a study for the development of County•owned land in Yaphank (CP 6420) (County Executive). I'm going to make a motion to table.

LEG. LOSQUADRO:

Second.

CHAIRMAN O'LEARY:

Second by Legislator Losquadro. On the question of the motion to table? Mr. Isles?

DIRECTOR ISLES:

Just if you have any questions on this motion. This is to appropriate planning funds for the Yaphank project which would be used for various studies of traffic, utilities, infrastructure, feasibility studies and so forth.

CHAIRMAN O'LEARY:

Yes, I'm aware of that and that's the reason why we're tabling it, for only a short period of time. Any other question on the motion to table? Legislator Montano?

LEG. MONTANO:

Yeah. What's the reason for •• you want to table it? I'm not clear.

CHAIRMAN O'LEARY:

I actually want to table it one cycle. There's other matters that are going to be coming before the full body that I think require attention before this matter is advanced. I've had discussions with the Commissioner of Economic Development and Workforce Housing on this matter, he's fully aware of the intent to table. Any other questions on the tabling motion?

LEG. MONTANO:

Was he in agreement with the tabling, other than knowing of the intent to table?

CHAIRMAN O'LEARY:

He wasn't initially but he did become in agreement with it.

LEG. MONTANO:

All right.

CHAIRMAN O'LEARY:

Any other questions on the tabling motion? Hearing none, all those in favor? Opposed? Abstentions? **1608 is tabled (VOTE: 4•0•0•1 Not Present: Legislator Mystal).**

LEG. MONTANO:

For one cycle.

CHAIRMAN O'LEARY:

Hopefully for one cycle, yes, that's my intent.

1612•05 • Donation and dedication of certain lands now owned by the estate of Buffalo to the County of Suffolk (SCTM No. 0200•984.10•02.00•013.000 and 015.000)(County Executive). This is in the East Patchogue area, it's point one•four acres and

my understanding is it's to be used as passive parklands?

DIRECTOR ZIELENSKI:

That's correct.

CHAIRMAN O'LEARY:

Hey, Tom.

DIRECTOR ISLES:

Yeah, that's correct. It's in the Hedge's Creek Corridor in East Patchogue. The County does own a number of properties in this area for conservation purposes, this is a donation of land at no consideration or cost to the County.

CHAIRMAN O'LEARY:

Good.

DIRECTOR ISLES:

We would recommend it to you.

CHAIRMAN O'LEARY:

This is for passive parkland purposes?

DIRECTOR ISLES:

Yes. Yes, it is, yes.

CHAIRMAN O'LEARY:

Legislator Kennedy?

LEG. KENNEDY:

I assume that somebody has gone out and taken a look at it. You know that it's •• is it vacant, you know, a small sliver of vacant land?

DIRECTOR ISLES:

Right, it's an old filed map parcel.

LEG. KENNEDY:

Relatively clean. We don't have a bunch of stuff on it, debris, things like that?

DIRECTOR ISLES:

Yes, yes.

LEG. KENNEDY:

Okay.

CHAIRMAN O'LEARY:

Okay. On 1612, I'll make a motion to approve, second by Legislator Kennedy. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? **1612 is approved.** And may we place this on the consent calendar, would it be appropriate to do so, a donation/dedication?

MS. KNAPP:

No.

CHAIRMAN O'LEARY:

No? Okay, forget about the consent calendar.

1612 is approved (VOTE: 4•0•0•1 Not Present: Legislator Mystal).

1613•05 • Authorizing the issuance of a Certificate of Abandonment of the interest of

the County of Suffolk in property designated as Town of Huntington, Suffolk County Tax Map No. 0400•262.00•02.00•118.000 pursuant to Section 40•D of the Suffolk County Tax Act (County Executive).

DIRECTOR ZIELENSKI:

This •• we'd ask that this be tabled. This says Certificate of Abandonment, but the County Attorney's Office has an issue with this and they're doing a little further investigation. And so if we could table this until the next cycle?

CHAIRMAN O'LEARY:

Okay. There's a request to table from Real Estate; I'll make a motion to table, second by Legislator Losquadro. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? ***1613 is tabled (VOTE: 4•0•0•1 Not Present: Legislator Mystal).***

1634•05 • Requesting Legislative approval of a contract award for brokerage services for the procurement of HMO reinsurance for the Department of Health Services, Suffolk Health Plan (County Executive).

Is there anyone here to explain this particular contract award?

MR. WEIMANN:

Good morning. My name is Fred Weimann, I'm with the County Health Department in Suffolk Health Plan. We use Marsh as our insurance broker for reinsurance for the plan, we have 17,000 members. And we're required by the State of New York as an HMO to carry reinsurance for hospital •• hospital in•patient services for our members. We went to RFP on this proposal and received only a single response from Marsh, USA; they were evaluated by the RFP Review

Committee and selected as the appropriate recipient of the •• of the contract.

CHAIRMAN O'LEARY:

This particular contract award, it's my understanding there were nine potential vendors, potential vendors, and only one responded to the RFP and that was Marsh?

MR. WEIMANN:

It's a very unique niche in the insurance industry and many of the people who were contacted were either too small a plan or they really didn't understand what they were being proposed to do.

CHAIRMAN O'LEARY:

Now, this particular award, this has nothing to do with the Suffolk County EMHP, this is entirely separate from EMHP?

MR. WEIMANN:

None whatsoever. We are in no way affiliated and this is actually a different action that they, I believe, used consulting services and this is as an insurance broker. I mean, different individuals within Marsh, different, you know, departments within Marsh.

CHAIRMAN O'LEARY:

Okay. Legislator Kennedy?

LEG. KENNEDY:

Thank you, Mr. Chairman. Two areas that I'd like to ask. First of all, I believe this was brought up at this committee previously, discussion about this insurer. You're aware that this insurer has been subject of an action by the Attorney General and that there, in fact, has been a finding for insurance in other areas?

MR. WEIMANN:

That is correct.

LEG. KENNEDY:

Liability insurance for professional practitioners.

MR. WEIMANN:

They had about an \$850 million settlement set aside by Marsh for compensation. And in our discussion with Marsh as recently as yesterday, Suffolk Health Plan will not receive any of that settlement money since we were in no way involved in those practices.

LEG. KENNEDY:

So then they have previously been providing this insurance for us and we are going to continue with them vis a vis this resolution? We went through another RFP process and, again, they were

the only ones that indicated a willingness to go ahead and provide this insurance?

MR. WEIMANN:

They are not directly providing the insurance, they are a broker who finds carriers for us.

LEG. KENNEDY:

They're going to procure for ••

MR. WEIMANN:

And we have been using them as the broker to find carriers since 1999. We've used different carriers through the years.

LEG. KENNEDY:

All right. Just briefly, can you describe, then, for us, too, in other words, what will this insurance provide for us. When does it kick in and how does it protect us?

MR. WEIMANN:

What will happen is, as I said, Suffolk Health Plan has 17,000 members. There are a variety of criteria, primarily hospital in•patient, home health care, sub•acute rehabilitation. When any member in a policy year running from July 1st through June 30th hits a threshold of \$50,000, we will receive reimbursement through our insurance carrier, •• not through Marsh, through the

insurance carrier •• for 90% of the expense from 50,000 up to \$1 million.

LEG. KENNEDY:

This plan is self-insured, though? So in other words, that first 50,000 comes from whatever the proceeds ••

MR. WEIMANN:

We just pay it as a medical expense. We actually pay all the bills and then seek reimbursement. Marsh is direct ••

LEG. KENNEDY:

This is above and beyond that any coverage that an insured would have, vis a vis Medicaid, Medicare or anything like that?

MR. WEIMANN:

We are a Medicaid plan, so this, in effect, is their Medicaid coverage.

LEG. KENNEDY:

So this insurance and coverage above and beyond whatever Medicaid is going to provide?

LEG. LINDSAY:

No.

MR. WEIMANN:

No, this is the Medicaid that's provided to them.

LEG. KENNEDY:

This is the Medicaid, okay.

CHAIRMAN O'LEARY:

Who's the current vendor?

MR. WEIMANN:

The current carrier is _Alianz_ as the insurance carrier, the broker is Marsh.

CHAIRMAN O'LEARY:

And this was for brokerage services?

MR. WEIMANN:

Correct.

CHAIRMAN O'LEARY:

So they are •• it would be a continuation of the services that they're providing?

MR. WEIMANN:

Correct.

LEG. O'LEARY:

All right.

MR. WEIMANN:

We are paying Marsh approximately \$40,000 to procure us a carrier and we, in turn, pay the carrier close to 400,000.

CHAIRMAN O'LEARY:

Okay. Legislator Lindsay.

LEG. LINDSAY:

First of all, this is stop-loss insurance, which just cuts your losses in case of a dread disease, it's a common thing in the industry. What I •• this came through to us via a CN at our last regular session, I don't think it was before this committee, and we voted to recommit it to committee, because I think a lot of us didn't feel comfortable with the history of Marsh and them being the low and only bidder. If there were multiple bidders and Marsh was low, I don't think that a lot of us would have felt to recommit it. And my question is can't we put out another RFP and solicit bidders again to see if we can get multiple bidders on this?

MR. WEIMANN:

I solicited every bidder I could find in the United States for this RFP and this is the response we got.

LEG. LINDSAY:

You got one bidder ••

MR. WEIMANN:

As I said, it's a niche ••

LEG. LINDSAY:

•• for a \$40,000 premium just to procure an insurance company?

MR. WEIMANN:

It's a niche market where most insurance carriers just don't even know the field of potential carriers.

LEG. LINDSAY:

Well, we're talking about •• we're talking about a broker, Marsh is a broker in this situation, right?

MR. WEIMANN:

Correct.

LEG. LINDSAY:

It just •• I tell you, it really seems inconceivable to me that we only got one bidder on this.

MR. WEIMANN:

I would say nationally, there are probably four or five insurance brokers who could conceivably bid on this. And as I said, we're a small plan and we're frankly not worth their attention.

LEG. LINDSAY:

I still recommend that we put out another RFP on this.

CHAIRMAN O'LEARY:

Legislator Montano?

LEG. MONTANO:

We have the existing contract with this company, or it's a new contract?

MR. WEIMANN:

We never paid Marsh directly, they received a premium through the insurance.

LEG. MONTANO:

And how long has ••

MR. WEIMANN:

We wanted to move that on top of the table, so we went out to RFP so we could pay Marsh directly for their services instead of them working on a commission basis through the insurance company.

CHAIRMAN O'LEARY:

Was it Purchasing that floated the RFPs, the Purchasing Department?

MR. WEIMANN:

And then they were released through Purchasing, yes.

CHAIRMAN O'LEARY:

They were? All right. There's enough questions being raised concerning that process and the selection of Marsh, so I'm going to entertain a motion to table 1634 and look into perhaps contacting Purchasing and inquiring of them the process.

MR. WEIMANN:

We are required by the State of New York to carry this insurance and ••

CHAIRMAN O'LEARY:

I understand that.

MR. WEIMANN:

•• it is a concern to the plan.

CHAIRMAN O'LEARY:

Yes. Is there any time constraints here?

MR. WEIMANN:

Yes, our current policy expires on June 30th of this year.

CHAIRMAN O'LEARY:

June 30th. All right, so we have another committee meeting prior to that date and another General Meeting as well. So I'm going to table for at least one cycle to look into the questions that have been raised here today. Motion to table by myself, seconded by Legislator Montano. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstentions? ***1634 is tabled (VOTE: 4•0•0•1 Not Present: Legislator Mystal).***

We have some Sense Resolutions.

Sense Resolutions

Sense 34•2005 • Memorializing Sense Resolution in support of A04354 and S01544, amending the Civil Practice Law and Rules to equalize the treatment of collateral sources in tort actions against public defendants (Caracciolo).

LEG. MONTANO:

Explanation.

MS. KNAPP:

In most tort actions, the defendant has the ability to set off if the plaintiff has another source, usually insurance, to pay them. There was a court decision and that setoff is created by _CPLR 4545_ (ASK MEA) there was a court decision that said that a public employer couldn't avail themselves of the offset, collateral source offset.

So there's been a proposed amendment to 4545 that would make it clear that public entities could also benefit from collateral source offset.

LEG. MONTANO:

I haven't read the rule in a while, so I'm going to •• I'll just abstain on this one.

CHAIRMAN O'LEARY:

Okay. Any other questions on Sense 34? Hearing none, I'll make a motion to approve, second by Legislator Losquadro. On the question of the motion to approve? Hearing none, all those in favor? Opposed?

One abstention?

LEG. MONTANO:

One abstention.

LEG. O'LEARY:

Legislator Montano abstains. ***Sense 34 is approved (VOTE: 3•0•1•1 Abstention: Legislator Montano • Not Present: Legislator Mystal).***

Sense 37•2005 • Sense of the Legislature Resolution requesting State of New York to repeal the requirement that two years elapse from the filing of a subdivision map before the map can be abandoned (Tonna).

LEG. KENNEDY:

Mr. Chairman, I have a request of Counsel regarding the underlying •• I didn't get an opportunity to see this; is this an attempt to amend 335 of Real Prop?

MS. KNAPP:

(Shook head yes).

LEG. KENNEDY:

Specifically to go ahead and do away with this requirement.

MS. KNAPP:

For purposes of the record, I shouldn't be nodding; the answer is yes and yes.

LEG. KENNEDY:

Do we have any input from any of the Town Assessors who work directly day in and day out with the subdivision maps in the first instance on this?

MS. KNAPP:

Again, I'm going to speak for the sponsor here, but I'm clearly not sure of the answer; I don't think so. I think that this request came through people in the industry who have found that it's, in their opinion, an antiquated requirement.

LEG. KENNEDY:

Mr. Chairman, I'm going to •• since I dealt with this specific area of law, as a matter of fact, for probably the better part of eight years, I would like to go ahead and have a dialogue at least with the sponsor on this one. I would ask that it be tabled.

LEG. LOSQUADRO:

Second.

CHAIRMAN O'LEARY:

Sense 37, there's a motion to table by Legislator Kennedy, second by Legislator Losquadro. On the question of the motion to table Sense 37? Hearing none, all those in favor? Opposed? Abstentions?

Sense 37 is tabled (VOTE: 4•0•0•1 Not Present: Legislator Mystal).

Sense 44•2005 • Memorializing Sense Resolution in support of HR 1696 and S842, the "Employee Free Choice Act" (Cooper). My understanding is that this supports the aforementioned bill numbers which establishes an efficient system to enable employees to form, join or assist labor organizations and to provide for mandatory injunctions for unfair labor practices during organization efforts, and I read that. Question on Memorializing Resolution •• Sense Resolution 44? Hearing none, I'll make a motion to approve.

LEG. LOSQUADRO:

Second.

LEG. O'LEARY:

Second by Legislator Losquadro. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions?

Sense 44 is approved (VOTE: 4•0•0•1 Not Present: Legislator Mystal).

We have two other matters before we go into Executive Session. I ask the committee to go back to IR 1582. We did approve 1582, however we did not agree to place it on the consent calendar. If we could amend that motion to approve to include placing 1582 on the consent

calendar. There being no objection to that, all in favor? Opposed? Abstentions? **1582 is approved again and placed on the consent calendar**

(VOTE: 4•0•0•1 Not Present: Legislator Mystal). Same motion, same second.

Okay, we now go back to •• which is the one?

LEG. MONTANO:

1449.

LEG. O'LEARY:

Which is the one? 1449.

MS. KNAPP:

The one we skipped.

LEG. O'LEARY:

1449 which we skipped over. Before we address 1449, I'm going to go into executive session for purposes of a discussion involving 1449 or any pending litigation. So I would ask •• we'll stay right here because Health & Human Services comes in and Legislator Tonna has the mindset to start a meeting before we adjourn, so I'm not giving up this seat. So I would ask everyone to turn off your mikes and we'll go into executive session regarding 1449 for discussion purposes.

(*Executive Session: 11:02 A.M. • 11:35 A.M.*)

Okay, we're back from Executive Session, back to the regular agenda. We addressed 1449 in Executive Session and that's what we're going to speak to right now. Before us •• before the committee is Resolution **1449, Directing the County Attorney to bring a lawsuit against the Long Island Convention and Visitor's Bureau, Inc., to recover County funds.** Motion to approve by myself, seconded by Legislator Losquadro. On the question of the motion to approve? Hearing none, all those in favor? Opposed? Abstentions? **1449 is approved (VOTE: 4•0•0•1 Not Present: Legislator Mystal).**

Are there any other issues to be discussed before this committee before I adjourn? Hearing none, the meeting stands adjourned. Thank you.

(*The meeting was adjourned at 11:36 A.M.*)

**Legislator Peter O'Leary, Chairman
Ways & Means Committee**

_ _ • Denotes Spelled Phonetically